

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GABRIEL U. OGBONNAYA, M.D.

Holder of License No. **32142**
For the Practice of Allopathic Medicine

In the State of Arizona.

Case No: MD-10-0805A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION**

INTRODUCTION

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") at a summary action Board teleconference meeting on June 30, 2010. After reviewing relevant information and deliberating, the Board voted to consider proceedings for a summary action against the license of Gabriel U. Ogbonnaya, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-1451(D).

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 32142 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-10-0805A upon reviewing information stating that Respondent had been arrested on June 9, 2010, for sexual abuse after two patients reported that he touched them inappropriately. After an emergency Board Meeting to consider summary action regarding those allegations, on June 16, 2010,

Respondent signed an Interim Consent Agreement for Practice Restriction and Psychosexual Evaluation. The Practice Restriction required that a female licensed healthcare professional be present during office visits with female patients.

4. On June 25, 2010, Respondent was arrested a second time on allegations of sexual abuse and sexual assault involving additional patients. Board staff has interviewed patients who have stated that they have been touched inappropriately by Respondent during office visits.

5. JH was a patient of Respondent from approximately August, 2008 until some time in May, 2010. After her third or fourth appointment, JH reports that Respondent started hugging her and that the physical contact escalated at subsequent office visits. She states that, on one occasion, Respondent reached from behind and squeezed her right breast over her clothing and that he touched her breast under her clothing on another occasion. JH reports that on one occasion, Respondent put his hands down her pants from behind, touching her private area and that, on another occasion, he grabbed her crotch. JH reports that on yet another occasion, Respondent placed her hand on his crotch while making a comment of a sexual nature. JH reports that on almost every visit, Respondent told her she needed to have more sex.

6. JS was a patient of Respondent for three years. She reports that, on her second visit, upon telling Respondent that she was pregnant, he grabbed her crotch and stated, "Oh, so you're having plenty of sex then."

7. EF reports that, after being a patient of Respondent for over one year, he became inappropriate with her. She reports that, during her June 2, 2010 office visit, Respondent suggested that EF needed to be doing more of "this" and he patted his penis. He made another inappropriate comment of a sexual nature during the visit, patting his penis again.

1 8. MC reports that she began seeing Respondent three years ago. She reports
2 that she began feeling uncomfortable about three or four months into her treatment with
3 him when he made a comment that maybe she could have sex with him. MC reports that
4 Respondent made comments of a sexual nature and grabbed her crotch area. She states
5 that, on subsequent visits, Respondent would grab either her breast or crotch and that this
6 conduct occurred approximately 10 times.

7 9. The facts as presented demonstrate that the public health, safety or welfare
8 imperatively requires emergency action.

9 **INTERIM CONCLUSIONS OF LAW**

10 1. The Board possesses jurisdiction over the subject matter hereof and over
11 Respondent, holder of License No. 32142 for the practice of allopathic medicine in the
12 State of Arizona.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(z) (“[e]ngaging in sexual conduct with a current
15 or with a former patient within six months after the last medical consultation unless the
16 patient was the licensee’s spouse at the time of the contact or, immediately preceding the
17 physician-patient relationship, was in a dating or engagement relationship with the
18 licensee,. . .”). Pursuant to A.R.S. § 32-1401(27)(z)(ii), “sexual conduct” is “[m]aking
19 sexual advances, requesting sexual favors or engaging in other verbal conduct or physical
20 contact of a sexual nature.”

21 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
22 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
23 1451(D).

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Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona,

2. The Interim Findings of Fact and Conclusions of Law constitute written notice

3. The Board's Executive Director is instructed to refer this matter to the Office

4. Respondent shall successfully complete a residential psychosexual

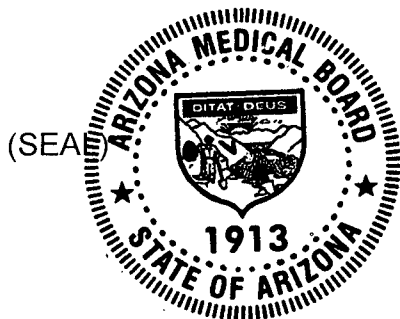
5. Respondent shall provide a copy of this Order to the facility or evaluator conducting his evaluation.

6. As Respondent is undergoing the psychosexual evaluation pursuant to a Board Order, he shall instruct any attorney retained on his behalf not to contact the facility or evaluator. Any questions or concerns about the evaluation must be addressed directly to Board staff

7. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent.

DATED this 15th day of July, 2010.

ARIZONA MEDICAL BOARD



By:

LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this
15th day of July, 2010, with:

The Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Executed copy of the foregoing mailed
this 15th day of July, 2010, to:

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